



Administrative Policies and Procedures: 14.16

Subject:	Child Protective Services Case File Organization, Documentation and Disposition
Authority:	TCA 37-5-105; 37-5-106;
Standards:	COA: PA-RPM 6.01; 6.02
Application:	To All Department of Children's Services Child Protective Services and Special Investigations Unit Employees

Policy Statement:

All child protective services case records shall be maintained in a standardized confidential manner and shall be safeguarded from unauthorized and improper disclosure of information.

Purpose:

The procedures in this policy provide guidelines for the manner in which information is composed, maintained and expunged to ensure a systematic method for the creation of CPS case records. Emphasis is placed on being purposeful, specific, factual, and focus on the investigative, assessment and/or treatment process. The case record will summarize case work activity, including family strengths, efforts to address safety and risk issues, a summary of the activities of any treatment agents and/or family support teams. The record will also include the family's involvement in and reaction to services provided.

Procedures:

A. Confidentiality	<ol style="list-style-type: none">1. All case records <u>must</u> be marked "<u>CONFIDENTIAL</u>" on the front of the folder and <u>must</u> be stored out of public view.2. When writing case recordings, staff shall be mindful of the right to <i>confidentiality</i> and shall not include information about persons unrelated to the case, except where those persons that have a direct effect on the client child/youth and family (in which case, only relevant information shall be documented).3. When writing case recordings, without sacrificing accuracy and completeness, staff shall be sensitive to the emotional well being of the client child/youth and family in the choice of terminology used (being mindful that the client child/youth and family may be voluntarily or involuntarily exposed to the documentation in the future).4. The release of confidential case file information must be in accordance with Federal and State laws, statutes, rules and regulations, DCS policies <u>9.4, Confidential Child-Specific Records Information</u>, <u>9.5, Access and Release of Confidential Child-Specific Information</u>, <u>14.13 Confidentiality of Child Protective Services Cases</u> and DCS Health Insurance Portability and
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	Accountability Act of 1996 (HIPAA) policies and procedures as applicable.
B. General Case documentation for case recordings Guidelines	<ol style="list-style-type: none"> 1. CPS General Case recording guidelines should include: <ol style="list-style-type: none"> a) Opening Summary: a brief summary of the reasons for opening the case and any other pertinent information. b) Case contact entries: as outlined in <i>Section C</i> of this policy. c) Assessment or progress summary: to outline the department and family's response to the intervention and services being provided. d) Transfer summary: details case activity if case is to be transitioned. e) Closing summary: a narrative description of reason for opening, current safety, risk and well-being status of child and family, classification decision and the justification, the case plan including any referrals made and the family's reaction to case closure. 2. Case recordings must: <ol style="list-style-type: none"> a) Be relevant, reliable and written in clear and complete sentences, and b) Not include slang language or subjective/personal value judgments. 3. Abbreviations and acronyms used must be commonly understood and acceptable. 4. E-mail should not be pasted directly into case recordings. Staff should note in the narrative section that contact was made with an individual through email and noting only information pertaining to the case. Discussion of topics unrelated to the case should not be contained within the narrative. 5. Handwritten notes should not be maintained as part of the case record.
C. Case Record Composition	<ol style="list-style-type: none"> 1. Each family shall have one (1) record. 2. All documents will be filed in a classification folder with two (2) dividers and the case record contents will be filed according to the <i>Child Protective Services Case File Documentation Checklist, (CS-0726)</i>. 3. The CPS Tab pages will be printed on Blue copy paper. The Family Crisis Intervention Program (FCIP) Tab pages will be printed on Yellow copy paper. 4. The inside cover of each folder will be reserved for the Records Disposition Authority (RDA) information to be recorded. 5. The case record contents including forms will be filed in <u>ascending</u> (↑) order (most recent on top). 6. The case record will be labeled on the tab portion of the folder with the mother's or primary caregiver's last name listed first separated by a comma followed by the mother's or primary caregiver's first name.

D. Case Recording Guidelines- Investigation and Assessment	<ol style="list-style-type: none"> 1. A description of each case contact must be made in the case record. 2. Each contact will be documented in TN Kids case recordings within thirty (30) days from the date of the contact. 3. The components of case recordings may include the following: <ol style="list-style-type: none"> a) The name of person contacted and relationship to child; b) The full date (month, day, year) and time of contact; c) Type of contact (telephone call, home visit, school visit, consultation with supervisor, mail sent or received, court hearings, peer record review); d) Name of person making the contact (DCS employee); e) Names of persons present during the contact; f) Summary of facts and issues discussed; g) Observations of safety\risk factors including strengths and needs; h) Observations of the child/family; and i) List of the evidence that supports the facts. 4. Statements of future plan, actions or next steps
E. Supervisory Responsibility	<ol style="list-style-type: none"> 1. When supervisory staff gives directions to case management staff regarding a specific action to be taken (or not taken) related to a case, that conversation shall be entered by the supervisor as a TNKids case recording. 2. Supervisors will use the appropriate case file review tool for cases assigned under their supervision to ensure that appropriate case work and documentation are occurring. The case file review tool must <u>not</u> be filed in the case file.
F. Contact with DCS Legal Counsel	<p>Case consultation between DCS staff and DCS Legal Counsel may be documented in TNKids case recordings.</p>
G. Identification of closed files	<ol style="list-style-type: none"> 1. In accordance with DCS policy <u>7.13, Records Disposition Authorization Development and Review Process</u>, Regional Administrators must ensure that each region has a uniform record disposition procedure and closed file tracking system of hard copy files. The regional system will include how to tag each record, tracking longevity of records, who to contact for microfilming and how to access microfilming. 2. Regional Administrators/designee shall ensure that all CPS closed files in the region have been labeled and/or destroyed according to this policy. 3. At case closure the CPS team leader or designee shall document in a consistent manner in the file, the appropriate <i>Records Disposition Authorization</i> (RDA) number and projected disposition date, according to the type of investigation:

	<p>a) Severe Physical/Sexual Abuse Case Files</p> <ul style="list-style-type: none"> ◆ RDA-2843 – Case files in this category shall be destroyed after seventy-five (75) years from closure date. <p>b) Child Fatality Case Files</p> <ul style="list-style-type: none"> ◆ RDA-2844 –Case files in this category shall be maintained in the agency for ten (10) years from closure date as a paper file. After the ten-year period expires, the file shall be microfilmed and then destroyed. <p>In investigations containing multiple allegations, the RDA will reflect the most serious allegation.</p> <p>c) Neglect/Emotional Abuse/Injury Case Files</p> <p>RDA-2845 - Five (5) years from closure date</p> <p>This RDA includes non-severe physical abuse investigations.</p>
H. Re-opened files	If a case is re-opened for a subsequent investigation, a new record disposition date will be determined based on the most appropriate RDA. Prior to file destruction of a case involving multiple investigations, the Team Leader/designee will confirm the RDA number and disposition date.
I. Methods of record disposal	Approved methods for destroying Child Protective Services confidential paper record information will be as outlined in DCS policy 9.4, Confidential Child-Specific Information .
J. Disposal documentation	Form GS-0989, Certificate of Record Destruction , must be completed in accordance with DCS Policy 9.4, Confidential Child-Specific Information .
K. Expungement of records	<ol style="list-style-type: none"> Records that can be expunged: <ol style="list-style-type: none"> Social Services Management System (SSMS) files should be expunged if no record exists. Screen outs where no investigation occurred can be expunged after five (5) years from the initial report. Unfounded cases can be expunged after ten (10) years after completion of the investigation. Indicated or founded cases can be expunged after twenty (20) years AND a request should be made in writing by the perpetrator for removal. Upon receiving a request, a review will be completed to determine whether the request will be granted. Records that cannot be expunged: <ol style="list-style-type: none"> Indications that have been upheld by an administrative law judge and/or appeal.

	<ul style="list-style-type: none">b) Indications where an investigation resulted in a juvenile court finding of abuse and/or neglect against the perpetrator if said order was not overturned on appeal.c) Investigations that result in a criminal conviction that are upheld on appeal.d) Severe abuse/neglect and sexual abuse indications.
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Forms:	<u>CS-0726, Child Protective Services Case File Documentation Checklist</u> <u>GS-0989, Certificate of Record Destruction</u>
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Collateral documents:	<i>None</i>
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Glossary:	
<i>Term</i>	<i>Definition</i>
<i>Expunge:</i>	<i>To destroy or mark for deletion.</i>